

**MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 9-03-15**  
(abridged for publication)

Mayor Phillips called the City Council meeting to order at 6:01 p.m. Present at roll call: Eric Delker, Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston. Absent at roll call: none. (RC = roll call vote)

Also present for the joint session were Zach Young, MPO; Chris Shires, Confluence; and Planning and Zoning Commission members: Stephanie Riva, Judy McConnell, John Fraser, and Jim Huse.

15-159 Livingston moved, Delker seconded, to approve the **agenda** as amended to remove the street finance report from the consent and to add a temporary construction easement to the consent. Voice vote carried unanimously.

City Councilmembers and Planning and Zoning Commissioners were presented with information regarding updates to Zoning Ordinances and Comprehensive Plans. Council directed staff to bring an **RFP for the Comprehensive Plan update** back for approval.

15-160 Delker moved, Greteman seconded, to approve **minutes** of the August 20th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; liquor licenses** for 804 Main, Gateway Market at Wright Place, St. John's Fall Festival; **Resolution 0903-15-082** setting September 17th as public hearing date related to amendments to the following sections of the City of Norwalk Zoning Ordinance: architectural standards, definitions, non-conforming accessory structures, exceptions and modifications, accessory structures and fences, privately owned improvements, bulk regulations table, multi-family off-street parking and buffers; **Resolution 0903-15-083** setting October 1 as public hearing date related to amendments to the following sections of the City of Norwalk Zoning Ordinance: definitions, home occupations and zoning districts; **Resolution 0903-15-084** approving contract and bond with Kelley Cortum, Inc., in an amount not to exceed \$143,012.50, for the project known as Colonial Parkway Storm Sewer Improvements, subject to engineer's approval; **Resolution 0903-15-085** accepting a temporary construction easement for Colonial Parkway Storm Sewer Improvement project from Farms of Holland LLC; **Resolution 0903-15-086** approving perpetual and temporary construction easements from Loffredo Holdings LLC for the Colonial Parkway Storm Sewer Improvement Project; **Resolution 0903-15-087** approving field rental contract with the Norwalk Soccer Club; **Resolution 0903-15-088** approving the purchase of combination sewer and catch basin cleaner, in the amount of \$312,500, including trade-in of the 1997 unit; **Resolution 0903-15-089** adopting

position descriptions and salary for Chief Building Official and City Inspector;  
**Resolution 0903-15-090** approving execution of a temporary construction easement for the Colonial Parkway Storm Sewer Improvements project;  
 Philanthropic **Grant requests and expenditures:**

AGRIVISION EQUIP	GATOR	\$53.26	LASER RESOURCES	LEASE	\$272.18
AIA CORPORATION	UNIFORMS	\$528.53	MARCY AMUNDSON	REFUND	\$30.00
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15-162 Motion by Isley, Greteman seconded, to **adopt Resolution 0903-15-091 authorizing change order no. 1 for the Norwalk Public Library Roof Replacement project** passed unanimously, RC.

15-163 Motion by Greteman, Delker seconded, to **adopt Resolution 0903-15-092 approving BLK Investments LLC request for final plat of Old School Plat 1** passed unanimously, RC.

15-164 Motion by Delker, Jackson seconded, to **adopt Resolution 0903-15-093 accepting public infrastructure for Old School Plat 1** passed unanimously, RC.

15-165 Motion by Isley, Greteman seconded, to **adopt Resolution 0903-15-094 approving Hubbell LLC request for final plat of Legacy Plat 18** passed unanimously, RC.

15-166 Motion by Delker, Greteman seconded, to **adopt Resolution 0903-15-095 accepting public infrastructure for Legacy Plat 18** passed unanimously, RC.

15-167 Motion by Livingston, Greteman seconded, to **adopt Resolution 0903-15-096 approving the Outskirtz site plan** passed unanimously, RC.

15-168 Motion by Greteman, Livingston seconded, to **adopt Resolution 0903-15-097 approving Outskirtz request for paving waiver** passed 4-1 with Isley voting against, RC.

15-169 Motion by Jackson, Isley seconded, to enter **closed session** pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding prospective litigation passed unanimously, RC.

15-170 Motion by Livingston, Jackson seconded, to return to **open session** passed unanimously, RC.

Decision was made to reverse the order of the closed sessions.

15-171 Motion by Livingston, Greteman seconded, to enter **closed session** pursuant to Chapter 21.5.1(j) of the Code of Iowa regarding potential land acquisition passed unanimously, RC.

15-172 Motion by Livingston, Isley seconded, to return to **open session** passed unanimously, RC.

15-173 Motion by Jackson, Livingston seconded, to re-enter **closed session** pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding prospective litigation passed unanimously, RC.

15-174 Motion by Livingston, Isley seconded, to return to **open session** passed unanimously, RC.

15-175 Isley moved, Livingston seconded, to **adjourn** meeting at 8:42 p.m. Voice vote carried unanimously.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk

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Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Dustin Huston, Fire Chief; Nancy Kuehl, Parks and Recreation Director; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Luke Parris, City Planner and Jim Dougherty, City Attorney.

Also present for the joint session were Planning and Zoning Commission members: Stephanie Riva, Chair; Judy McConnell; John Fraser; and Jim Huse.

Mayor Phillips announced consent item 7j, 2015 Street Finance report, would be removed from this agenda; and item 7n, an additional temporary construction easement, would be added.

15-159 Livingston moved, Delker seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

**Presentation**

Luke Parris introduced Zach Young from Metro Planning Organization (MPO).

Young presented a slide show and said density is a misunderstood term. It does not mean "stack 'em and pack 'em." It can mean very positive things. Density comes in many forms and can add value to your community.

He went on to say "sprawl" costs the United States economy \$1 trillion per year. Low density costs more than compact development and walkable communities increase real estate values. A one-point increase in the "Walk Score" equals up to a \$3,000 increase in value. Higher density also results in more land to use for parkland or other purposes.

Young presented Urban 3 study findings suggest city officials should view land like farmers do; how much yield can you get per acre. It suggests that cities should look at revenue generation on a per acre basis. Compact development also has lasting value.

Wagoner spoke about the comprehensive plan; saying that in his short tenure, he has seen many rezone requests be turned down. He then said that working in economic development, potential retailers are always looking for number of people in the proposed area.

Wagoner introduced Chris Shires with Confluence, who has been working with the city on zoning code updates. Shires said he first wants to talk about the comprehensive plan. He indicated that if a city is going to do zoning, it must be conducted in accordance with a comprehensive plan. In the comprehensive plan, there is a land use map. If the land use map is in place, and a zoning request came forward, the city should make sure that they are comfortable zoning it that way or have a good reason why it is not being zoned that way according to the adopted land use map.

Greteman asked if cities review their comp plan every year. Shires said not every city.

Shires said the city sought community input in 2013 and that was a big project. However, at the end of the day, the decisions rest with the elected officials.

Greteman asked about zoning being done in accordance with the current comprehensive plan, but having a law in place that lets neighbors petition against and require a super majority vote from council. Shires said the comprehensive plan should be the painful public process where the details are hashed out, so that when the city does an updated comprehensive plan, there are tough public hearing processes on it. At the point of zoning then, those issues that have recently come up, would have already been addressed.

Parris said the last comprehensive plan process was approximately two years long. It included participation from the City Council, Planning and Zoning Commission, the Chamber of Commerce, the Norwalk School District and the public at large. There was also an online brainstorming tool that could be, and was, used by the general public to share ideas. The current base zoning ordinance was adopted in 1998 and there have been 26 amendments to that code passed.

Parris talked about recent history in Norwalk which includes an increased amount of interest in development within the city. There were 76 new building permits issued through August which is on pace to set another record. There has also been increased interest in rezoning land. When a rezone request comes in, staff reviews it and determines if it is compatible with the comprehensive plan and whether infrastructure can serve it.

Wagoner suggested the city should look at the comprehensive plan again and he recommended doing a request for proposals (RFP) for the update service.

A commissioner asked if this would be a review of the current comprehensive plan or starting from scratch. Wagoner said it would be a review and not a rewrite.

Isley said she is in support of that idea but would want to wrap that up quickly.

Greteman said he would like the update to address the segmentation inside an R-1 on the land use map. He said that it gets confusing with R-1 (60) or R-1 (70) etc. He added that he is a little defeatist because he thinks the city can redo and mail the land use map directly to every residence in Norwalk and people would throw it away; no one wants to know until someone is objecting because they do not want development in the cornfield by their house. He suggested the city should update the comprehensive plan and then rezone all of the land accordingly.

Riva said a lot of the rezoning requests come from subareas 1, 2 and 3. She suggested, if the city is thinking about doing an update, Planning and Zoning wants to have conversations on an annual basis so that they can have more guidance on the planning portion of the commission's role. They struggle on what the overall vision is and that should be looked at annually because community goals change. An update would be great and having council commitment for participation would be helpful.

Greteman said he suggests the zoning code update come to council in sections; so that they do not have to give a total up vote or total down vote. Phillips said he would like to schedule a work session after the election but before Christmas.

Greteman said the city should still move forward with updating the comprehensive plan and that he would like to get a cost estimate from V&K to look at how many detention facilities may be needed across the city and that should be part of this update.

Staff was directed to bring an RFP for the Comprehensive Plan update back to council for approval to begin the process.

### **Welcome of Guests and Public Comment**

Charles Sinclair, 581 Beardsley St, requested the city come to look at water drainage problem in his front yard again.

Phillips opened the council business portion of the meeting.

15-160 Delker moved, Greteman seconded, to approve **minutes** of the August 20th regular council meeting. Voice vote carried unanimously.

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15-166 Motion by Delker, Greteman seconded, to **adopt Resolution 0903-15-095 accepting public infrastructure improvements for the project known as Legacy Plat 18** passed unanimously, RC.

### **Outskirtz Site Plan and Paving Waiver Request**

Phillips reported that the city received a site plan for Outskirtz with the improvements being phased in.

Wagoner said two things are being requested. One is to adopt the site plan as to what it will look like and the second is approval of a waiver to phase in the improvements over time. He then explained that required stalls are based on patron use area. In this case, that adds up to 26 stalls with one being handicap parking.



Greteman said they currently have 20 parking spots and no paved approaches. The other six parking stalls are on the very southerly part of the site.

Phillips asked if everyone is okay with the site plan and called for a motion. 15-167 Motion by Livingston, Greteman seconded, to **adopt Resolution 0903-15-096 approving the Outskirtz site plan** passed unanimously, RC.

Wagoner said phase two is planned for 2016 and phase three in 2017. Phillips said they would put in another six stalls next year and the approaches by October 2017.

Jackson asked what the reason is for the request.

Joyce Webb, owner of Outskirtz, is requesting this waiver because in three years Vanessa Divine will no longer be the contract owner to this property.

Isley asked if Devine is tied to this waiver and Dougherty answered yes. He would like Devine's signature on whatever agreement is approved by council to be included in abstract. Dougherty then asked if Devine is willing to cooperate.

Livingston asked Dougherty if he wants to make sure she is in agreement with the site plan, or the paving agreement. Dougherty said he wants her acknowledgment that the paving requirement agreement runs with the property and wants to put any future property owners on notice that this requirement exists. Oliver suggested the possibility of recording the agreement with the Webbs or the resolution with the phasing plan. Jackson added that would put subsequent owners on notice of this preexisting agreement.

Livingston asked whose responsibility is it to get the contract owners signature on the agreement.

Isley said she will not grant an extension if the property's contract owner is not in agreement. Dougherty said that he would include the necessary legal wording to be recorded.

15-168 Motion by Greteman, Livingston seconded, to **adopt Resolution 0903-15-097 approving Outskirtz request for paving waiver** passed 4-1 with Isley voting against, RC.

## **NCIS Update**

Phillips said on Wakonda, he is doing two houses a week on sidewalk. Greteman asked if they will make their deadline. Livingston said no. Greteman said going against a bonding company is like squeezing blood from a rock.

## **Reports**

Staples said they had a total of 21 cases of theft or cars rifled through. Those were all cars or garages unlocked or with open doors. There was an incident of someone going into one house and going through a purse. The total value of the stuff taken was approximately \$1,000.

Staples also reported the city was awarded \$10,000 for the traffic safety grant which is about \$1,500 more than last year and \$9,000 more than the year prior to that.

Wagoner thanked council for the additional staff person and the promotion of the current person into the Chief Building Official position. The Council discussed when the promotion and salary would take effect. Oliver indicated the intention of the resolution on the agenda was to promote Stravers to Chief Building Official, with pay adjustment, immediately and go through the recruitment process for a Building Inspector, whose position would take effect December 1<sup>st</sup>. Council consensus was that was how the schedule was moving forward.

Hoskins said the water improvement project design is nearly complete and surveys are done. He is hoping to bring that to council as soon as possible to start the process for bidding.

Phillips said WCEDC is giving out grants to small businesses. Community Chat is a week from Saturday.

## **Closed Sessions**

Phillips asked if the next item on the agenda is an acceptable reason to enter closed session and Dougherty said yes.

15-169 Motion by Jackson, Isley seconded, to enter closed session pursuant to Chapter 21.5.1(c) of the Code of Iowa regarding prospective litigation passed unanimously, RC.

15-170 Motion by Livingston, Jackson seconded, to return to open session passed unanimously, RC.

No action was taken.

Phillips asked if the next item on the agenda is an acceptable reason to enter closed session and Dougherty said yes.

15-171 Motion by Livingston, Greteman seconded, to enter closed session pursuant to Chapter 21.5.1(j) of the Code of Iowa regarding potential land acquisition passed unanimously, RC.

Those present were Mayor Phillips, Delker, Greteman, Isley, Jackson, Livingston, Oliver, Dougherty, Eddleman, Hoskins, Wagoner and Parris.

15-172 Motion by Livingston, Isley seconded, to return to open session passed unanimously, RC.

Wagoner and Parris left the meeting.

15-173 Motion by Jackson, Livingston seconded, to reconvene to closed session passed unanimously, RC.

15-174 Motion by Livingston, Isley seconded, to return to open session passed unanimously, RC.

No action was taken.

15-175 Isley moved, Livingston seconded, to **adjourn** meeting at 8:42 p.m. Voice vote carried unanimously.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk